THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 25158 of 1998

Dated: 31.10.2007

Between:

Dommeti Mallaiah

... Petitioner

AND

The Singareni Colleries Company Limited,
Bellampally (Project Area), Adilabad Dist.,
Rep., by its General Manager,
& others.

... Respondents

Counsel for the petitioner : None

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ORDER:-

This writ petition is filed for the following substantive relief:

> "… … Hon'ble Court may be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of mandamus directing the respondents to implement the memorandum of settlement arrived at under Section 12(3) of Industrial Disputes Act, 1947 between the management of the company and 5 JBCCI Unions before the Assistant Labour Commissioner (Central) Hyderabad on 31.07.1997 with regard to regularization of company quarters in favour of unauthorized occupation by duly declaring the action of the respondents in recovering Rs.1500/- towards penal rent from the salary of the petitioners with effect from May, 1998 as illegal, arbitrary, violative of Article 14 and 21 of the Constitution of India, and also violative of principles of natural justice and contrary to the provisions of the Industrial Disputes Act, 1947 and also contrary to the above memorandum of settlement dated 31.07.1997 and consequently direct the respondents to refund the amounts which were recovered towards penal rent from the petitioners and pass such other and further orders as the Hon'ble High Court may deem fit and proper in the circumstances of the case."

At the hearing, no one appeared for the petitioner. Therefore, the writ petition is liable to be dismissed in default. Even otherwise, the writ petition is liable to be dismissed on merits since this is covered by a judgment dated 20.01.2000 in Writ

Petition No.7434 of 1997 and batch, wherein this Court upheld imposition of the penal rent for unauthorized occupation of the residential quarters.

Following the said judgment, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.Nos.30489 and 30490 of 1998 filed by the petitioner for interim relief are also dismissed.

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C.V. NAGARJUNA REDDY, J

Date: 31.10.2007
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